

महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम,
१९६६ चे कलम-३७ (१एए) अन्वये
कल्याण-डोंबिवली विकास नियंत्रण
नियमावलीतील फेरबदलाबाबत.

महाराष्ट्र शासन
नगर विकास विभाग
शासन निर्णय क्रमांक:टीपीएस-१२०५/२४३६/प्र.क्र.१०६/०६/नवि-१२
मंत्रालय, मुंबई-४०००३२
दिनांक:-१६ मार्च, २००६

शासन निर्णय:- सोबतची शासकीय नोटीस महाराष्ट्र शासनाच्या असाधारण राजपत्रात
प्रसिध्द करावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(सुधाकर नांगरे)
महाराष्ट्र शासनाचे उपसचिव

पति

विभागीय आयुक्त, कोकण विभाग, कोकण भवन, नवी-मुंबई.
आयुक्त, कल्याण-डोंबिवली महानगरपालिका, कल्याण.
संचालक नगर रचना, महाराष्ट्र राज्य पुणे.
उपसंचालक नगर रचना, कोकण विभाग, कोकण भवन, नवी-मुंबई.
जिल्हाधिकारी, ठाणे, जि.ठाणे.
सहायक संचालक नगर रचना, ठाणे शाखा, जिल्हाधिकारी इमारत, ठाणे.
व्यवस्थापक शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.
(त्यांना दिव्दती की, सोबतची शासकीय नोटीस महाराष्ट्र शासनाच्या असाधारण
राजपत्रात भाग-१ कोकण विभागीय पुरवणी भाग-१ मध्ये पर्यन्त प्रसिध्द करावी व त्याच्या
प्रत्येकी १० प्रती या विभागास, आयुक्त, कल्याण-डोंबिवली म.न.पा.स व संचालक नगर रचना,
महाराष्ट्र राज्य, पुणे, यांना पाठवाव्यात)

✓ कक्ष अधिकारी (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई.
त्यांना दिव्दती करण्यांत येते की, सदरहू सूचना शासनाच्या वेबसाईटवर प्रसिध्द
करावी

निदडनरती (कार्यालय नवि-१२)

**Maharashtra Regional and
Town Planning Act, 1966.**

- Notice under section 37(1AA) of ..
- Modification to Development Control Regulation Kalyan Dombivli Municipal Corporation.

**GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated: 16th March, 2006.**

NOTICE

No. TPS 1205/2436/CR-106/05/UD-12:

Whereas the Development Control Regulations of Kalyan Dombivli Municipal Corporation (hereinafter referred to as "the said Regulations") have been sanctioned by the Government excluding the substantial modification vide Urban Development Department Notification No. TPS 1202/469/CR-41/02/UD-12 dated 16th January, 2004, under section 31(1) of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") to come into force with effect from 2.2.2004. The excluded parts have been sanctioned by the Government vide Urban Development Department Notification No. TPS 1202/460/CR-41/02/UD-12 dated 1st December, 2005, under the said Act and come into force with effect from 13th January, 2006;

And whereas, as per Regulation No. M-6.1(b) & M-6.2(3)(c), of the said regulations any industrial land can be permitted to be utilised for any of the permissible user in Residential & Commercial Zone, subject to provision of land for public utilities and amenities and further 10% shall require to be provided as additional recreational space for land more than 2 ha;

And whereas, the regulation No. M-6.1(b) & M-6.2(3)(c), of the said regulations clearly specifies that provision for public utilities and amenities shall be considered to be reservations in the Development Plan and TDR shall be available for such reservation;

And whereas, there is no specific provision for FSI/TDR for additional recreational space and Government has received representations to the effect that the additional recreational space may be considered as layout Recreation space and to waive the Municipal

Corporation of Kalyan Dombivli condition of handing over said additional Recreational space to Kalyan Dombivli in lieu of TDR;

And whereas, concerns have been expressed regarding shrinking of open space/ green areas in cities specially where industrial lands are sought to be converted to residential/commercial purposes.

And whereas, Government has carefully examined the provisions of regulation M-6.2 of the said regulations and found it expedient in the public interest to modify these regulations. Govt. also found it expedient to take recourse to the provisions contained in the section 37 (1 AA) of the said Act;

Now therefore in accordance with the provisions contained in section 37(1AA) of the said Act, Govt. hereby publish this notice for inviting suggestions and objections to the proposed Regulations contained in Schedule-A from the public with reasons thereof within 30 (thirty) days from the date of publication of the notice in Maharashtra Government Gazette. The suggestions and objections shall be addressed to the Dy. Director of Town Planning, Kokan Division, Kokan Bhavan, Navi-Mumbai who is hereby appointed as an officer under section 162 of the said Act and authorised to hear the suggestions and objections which may be received within the aforesaid stipulated period and submit his report to Govt. The suggestions and objections received within the aforesaid stipulated period will only be considered by Govt.

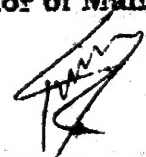
Note:-

A copy of the proposed modification i.e. Schedule-A is kept open for inspection by the general public in the offices of the following officers on all working days during working hours:

- 1) Dy. Director of Town Planning, Kokan Division, Kokan Bhavan, Navi-Mumbai.
- 2) The Municipal Commissioner Kalyan Dombivli Municipal Corporation, PanchPakhadi, Thane.

This notice is also available on Govt. web site www.urban.maharashtra.gov.in

By order and in the name of the Governor of Maharashtra,


(Sudhakar Nangnure)
Deputy Secretary to Government

SCHEDULE-A

(Accompaniment to notice No. TPS 1203/2436/CR-106/06/UD-12 dated 16th March, 2006)

Modification No.1

Regulation	Existing provision	Proposed modification
Appendix-M (Regulation No.66) M- 6.1(b)(i)& M- 6.2 (3)(c)(i)	The layout or sub-division of such land shall be approved by the Commissioner, who will ensure that the requisite land for public utilities and amenities like electric sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein and	i) The conversion of Industrial Zone to Residential/ Commercial Zone in respect of closed industries shall not be permitted unless NOC from Labour Commissioner, Maharashtra State, Mumbai stating that all legal dues have been paid to the workers or satisfactory arrangement between management and workers have been made, is obtained. Provided that where conversion has been permitted on the basis of this certificate, occupation certificate will not be given unless a no dues certificate is granted by Labour Commissioner. The layout or sub division of such land shall be approved by the Commissioner, who will ensure that 5% land for public utilities and amenities like electric sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.

Appendix-M
(Regulation
No.66)M.
6.1(b)(ii)&(iii
) and M-6.2
(3)(c)(ii)

In such layouts or sub-divisions, each more than 2 ha. In area, amenities and facilities shall be provided as required by these regulations. These areas will be in addition to those to be earmarked for public utilities and amenities in accordance with clause c(i) above and in addition to the recreational space as is required to be provided under these regulations and further 10% shall be provided as additional recreational space. The required segregating distance as prescribed under these regulations shall be provided within such land intended to be used for residential or commercial purposes.

ii) In such layouts or sub-divisions having area more than 2 ha. But less than 5 ha., 20% land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post, garden, playground, school, dispensary and such other amenities shall be provided.

iii) In such layout or sub-division each more than 5 ha. In area, 25% land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post, garden, playground, school, dispensary and such other amenities shall be provided. These areas will be in addition to the recreational space as required to be provided under these regulation.

iv) The required segregating distance as prescribed under these regulations shall be provided within such land intended to be used for residential or commercial purposes.

Appendix-M
(Regulation
No.66) M-
6.1(b)(iv) &
M-6.2
(3)(c)(iii)

Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.

v) No change.

Appendix-M
(Regulation
No.66)
M-6.1(b)(v)&
M-6.2
(3)(c)(iv)

Provision for public utilities and amenities shall be considered to be reservations in the development plan and transferable development

vi) Provision for public utilities and amenities shall be considered to be reservation in the development plan and

	rights as in Appendix-W shall be available for such reservations.	Transferable Development Rights as in Appendix-W or FSI of the same shall be available for utilisation on the remaining land.
Appendix-M (Regulation No.66) M-6.1(c)& M-6.2 (3)(d)	With the previous approval of the Commissioner, and subject to such terms as may be stipulated by him, open land in existing industrially zoned land or space, excluding land or space of cotton textile mills, which is unoccupied or is surplus to requirement of the industry's use may be permitted to be utilised for office or commercial purposes in the other areas of the KMC or for commercial purposes (excluding offices) in the congested area of erst while Kaiyan & Dombivli Municipal Council, but excluding warehousing.	Deleted.
Appendix-M (Regulation No.66) M-6.1(d)& M-6.2 (3)(e)	With the special written permission of the Commissioner, isolated small open plots upto one hectare in size which are allocated for industrial purposes and situated predominantly in the residential zone (excluding the plots of cotton textile mills) may be permitted to be used for any other permissible users in Residential Zone (R-1 Zone) or the Residential Zone with shop line (R-2 Zone).	Deleted.

Following note shall be added below the above regulation.

Note:-

1. Conversion from industrial zone to residential/commercial zone shall be applicable to the entire land holding and layout shall be approved for the entire land holding and not in part. Mixed Industrial & Residential user shall not be allowed.
2. The existing reservations of development plan, if any, (within the percentage mentioned above for public amenities and utilities) will be extinguished and they will be covered in the new regulation.
3. Out of the total floor area proposed to be utilised for residential development, 20% of the same shall be built for residential tenements having built up area upto 50 sq.mt.

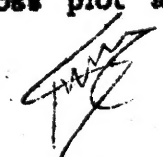
Modification No.2:

Regulation No. 55.3 in table at Sr. No.4.	In Sr. No.4 of table under Regulation No. 55.3 following words shall be added: However, the area for FSI computation shall be 90% of net area (after deducting amenity area) in case of change of Industrial user to Residential user as specified in Regulation No.66, M-6.1(b) & M-6.2(3)(c).
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Modification No.3:

Following proviso shall be added in Sr. No.14 of Appendix-W of regulation No. N-1.4(a).

However, such FSI on the receiving plots under prescribed regulation shall be allowed to 100% of the gross plot area without deducting the required public amenity space.


(Sudhakar Mangnure)
Deputy Secretary to Government.